REMARKS

Applicants acknowledge, with thanks, receipt of the Office Action mailed on July 9, 2003. Claims 1-26 are pending. Of those claims, claims 10-12 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,311,214 to Rhoads. Claims 1-5, 14-19 and 22-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rhoads in view of U.S. Patent No. 5,742,768 to Gennaro et al. Upon careful consideration of the rejections described above and the cited references, applicants respectfully submit that the application is allowable in view of the following remarks.

The Subject Application

By way of review, the subject application teaches a system for creating and printing social expression products by a user at his or her home computer over the Internet. The system utilizes a plug-in program that is executed in the web browser application the user uses to access the Internet. The program is downloaded from a web server which stores the plug-in program, said web server also being used to store a multitude of files, each representing a printable social expression product (e.g. a greeting card), and each consisting of one or more design elements ranging from graphics to regular text and attributes of those elements such as position or color.

The user accesses the Internet using the web browser from a client computer and enters a web server address that corresponds to a request for the file of a specific printable product. Upon download of the file of a specific printable card, the client's web browser either detects the presence of the plug-in or determines if installation of the plug-in is required. The plug-in is then installed, if necessary. When the download option is selected, the plug-in program residing on the user's computer detects and opens the file or files containing data defining the selected card. Importantly, the plug-in program enables the user to modify, edit and add the design elements using the existing web browser. The plug-in then assembles the modified design elements into the card. The plug-in then processes the card to enable printing of the card on a local printer. Thus, the user is able to print, for example, a greeting card at his or her home, without having to download a large database of images or existing cards, and to modify the card without having to download or install a separate application, and print the greeting card at home.

The Rhoads Patent

In contrast to the subject application, Rhoads discloses a system of linking a customized web site to information provided by a greeting or other type of card. The card includes identification data that is readable by an image capture device such as a camera operatively coupled to a computer. When the card is sold, the vendor assigns a web site on a server dedicated to that particular identification information. After purchasing such a card from a vendor, the buyer can approach a computer terminal to access the Internet and customize the web site assigned to the identification data on the card. The web site can be customized by the buyer to create a personalized presentation in addition to the greeting on the card. A recipient of the card will be directed to the personalized web site upon holding the identification data in front of an image capture device. The computer operatively coupled to that image capture device responds by displaying the web site via a web browser.

Instead of purchasing the card from a vendor and having the vendor dedicate a web site to the identification information already provided to the card, the buyer can purchase a card over the Internet and provide specific identification information to the card. According to Rhoads, the buyer visits a web site specializing in greeting cards, and with suitable buyer-selection, and optional customization, the desired card can be printed using an inkjet or other printer at the buyer's home. In this manner, the identification data can be customized to direct the recipient to a web site selected by the buyer instead of a web site dedicated to the identification data on the card by the vendor.

Although customizing a web site on a server is disclosed by Rhoads, neither the means for modifying a browser program on a personal computer nor allowing the user to edit the defining data within the browser program is taught. And while Rhoads suggest customization of a card by selecting an appropriate card display, Rhoads fails to teach means for modifying the data defining the decorative designs to appear on the printable product, as claimed in the present application claims 1, 10, 14, 22 and 23.

The Gennaro et al. Patent

In contrast to the subject application, Gennaro et al. is directed to a system and method for providing and displaying a web page having an embedded menu. A web browser stored on a

personal computer allows a user to navigate the Internet and retrieve the web pages from a remote server and display those web pages on the personal computer. A program embedded within the web page, referred to as an applet, is executed by the web browser to provide enhanced functionality to the web page. According to Gennaro et al., the executed applet creates and manages one or more embedded menus in the displayed web page. Each embedded menu provides a user of the web browser with a plurality of links through one action in the displayed web page. The menus created and managed by the applets in Gennaro merely provide the user with options from which to select, and not the ability to modify data downloaded from the Internet network. The applets of Gennaro et al. do not provide a user with modification functions for modifying defining data, as expressly claimed in the present application, in claims 1, 10, 14, 22 and 23.

Rejections Under 35 U.S.C. §102(e)

Claims 10-12 were rejected under 35 U.S.C. §102(e) as being anticipated by Rhoads. Applicants respectfully traverse.

As an initial matter, applicants note a distinction made in the present application between a web site and a web browser. The Office action states that "Roads discloses using modifying a browser program, *represented as the website*, wherein the client computer uses this website/browser to edit the defining data for the printable product." (See Office action, page 2, 2nd sentence of the detailed rejection of claim 10) (emphasis added). According to the present application, each page of information, commonly referred to as a web page or web site, is identified by a Universal Resource Locator ("URL") which identifies the server on which the web site is stored and the location of that particular web site on the server. (See page 6, lines 1-5). A web browser program, on the other hand, is a piece of software used by a computer to communicate with networks of servers to retrieve and display web pages identified by a particular URL. (See page 6, lines 11-26). The Office action appears to equate modifying a web site to modifying a browser program when, in fact, these are two distinct operations.

For instance, a passage of Rhoads cited in the Office action teaches that a purchaser of a card including identifying data can link the identifying data to a customizable web site. Once customized, the web site displays a personalized greeting to the intended recipient of the card

when the recipient enters the identifying data from the card into a personal computer networked to the Internet. Rhoads goes on to teach that to customize the web site, the purchaser of the card is provided with simple editing tools to personalize the *web greeting*. (See Col. 10, lines 24-26) (emphasis added). This customization of the web site, however, is not the equivalent of the modification of the browser according to the present application. Instead, customization of the web site is merely a modification of what is to be retrieved and displayed by the web browser.

In light of the above distinction, the present application teaches a program enabling a user to create and print a social expression product (greeting card) at his or her home computer. Claim 10 was previously amended to recite the limitation of means for modifying a browser program on a personal computer of a user to allow the user to edit the defining data within the browser program. As taught in the present application, the means for modifying the browser program is a plug-in which extends the capabilities of the browser to allow the user to download and edit data defining a social expression product (greeting card) within the browser program. The plug-in is a small piece of software loaded into memory by a larger program, i.e., the web browser, that adds a new feature to the browser. (See page 7, lines 9-15). One function of the engine component of the plug-in is to make selected assets, such as design elements defined by the defining data, for a printed product available in the browser such that they can be edited by the user. (See page 9, lines 23-25). Thus, the desired assets are selected by the user from assets stored on the server and downloaded to the user's computer to be customized by the user. Modifying the assets downloaded to the user's computer does not modify the assets selected from the server. The assets that were downloaded and modified by the user remain in their original form on the server for others to download and modify to fit their needs.

Applicants respectfully traverse the Examiner's rejection of claim 10 as anticipated by Rhoads. The Rhoads patent discloses a system for creating a personalized greeting on a web site and linking that web site with a greeting or other type card via a personal computer terminal having a web browser at a user's home. According to Rhoads, the user selects and optionally customizes the appearance of the card by visiting a web site specializing in greeting cards. The web site and the information pertaining to the card are retrieved from a server. No further details are provided in Rhoads about the customization of the card and whether the customization is performed by a plug-in within the browser program or if the customization is merely the

selection of desired decorative designs from the server. Rhoads is also silent about modifying the browser program to perform such modification within the browser program, and about modifying the downloaded data defining said decorative designs to appear on the printable product.

In contrast, the present application teaches and claims that the program code includes means for modifying a browser program to allow the user to edit the data defining the printable product within the browser program. From the present application, it is clear that the first program, i.e., the plug-in, is to be downloaded and installed on the user's computer. (See page 8, lines 16-18). Data defining the selections made by the user over the Internet regarding the decorative designs that are to be assembled on the card are downloaded to the user's computer as an appropriately formatted file, such as a CPT file, for example. (See page 12, lines 1-7). The display, *editing* and assembly of the printable product defined by the downloaded file is to be performed by the plug-in, which is installed on the user's computer. (See page 12, lines 7-8). Rhoads makes no mention of modifying the browser program on the user's computer or editing the defining data within the browser program once the defining data is downloaded to the user's computer as claimed in claim 10.

For these reasons, claims 10-12 are patentable over Rhoads under 35 U.S.C. §102(e).

Rejections Under 35 U.S.C. §103(a)

Claims 1-5, 14-19 and 22-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rhoads in view of Gennaro et al. Applicants respectfully traverse the Examiner's rejections.

As discussed above regarding the rejection of claims 10-12, Rhoads does not teach downloading a program to the user's computer for modifying data defining designs (such as greeting cards), as defined by claims 1, 14, 22 and 23. The selection and optional customization of a card at the web site of a vendor that specializes in greeting cards disclosed by Rhoads is patentably distinct from the customization of the card with a downloaded program on the computer of the user. Rhoads teaches that the customization of the card is performed by personally selecting a card from available designs offered on the vendor's server over the

Internet. In contrast, the present application specifies that the first program, i.e., the plug-in, is downloaded and installed on the user's computer. (See page 8, lines 16-18). Data defining the selections made by the user over the Internet regarding the decorative designs that are to be assembled on the card are downloaded to the user's computer as an appropriately formatted file, such as a CPT file, for example. (See page 12, lines 1-7). The display, *editing* and assembly of the printable product defined by the downloaded file is performed by the plug-in, which is installed on the user's computer. (See page 12, lines 7-8). Thus, if the design assets offered on the vendor's web site do not satisfy the user, the user can download design assets to the user's computer and modify those downloaded assets with the plug-in according to the user's own preferences. Rhoads makes no disclosure or suggestion at all of such features.

The omissions, noted above, in the teachings of Rhoads are not remedied by the teachings of Gennaro et al. Although Gennaro et al. discloses the use of an executable program attached to a web site to enhance the functionality of the displayed web site, this is not comparable to the downloading and installation of a "first program" as claimed in the present application. As noted above, the first program is clearly defined as a plug-in that is installed to alter, enhance, or extend the operation of a parent application program, which, in the present application, is the web browser program. (See page 7, lines 11-19). Plug-ins of the type described in the present application are pieces of software that are installed on the user's computer. (See page 8, lines 16-18). They typically can be opened directly from the operating system of the computer on which they are installed. Further, once a plug-in is installed, it can serve to enhance the operation of the parent application, i.e., the web browser, in displaying or using other web sites.

Unlike the plug-in of the present application, the executable program downloaded in Gennaro et al. is explicitly defined as an applet. (See Col. 2, lines 7-11; Col. 3, lines 38-42). Gennaro et al. explains that the applet provides enhanced functionality *to the displayed web page*. (See Col. 3, lines 58-64) (emphasis added). Applets are programs that cannot be executed directly from the operating system. Rather, they are designed to be executed from within another application, which is the web browser in Gennaro et al., and only serve to enhance the functionality of the web browser in displaying the particular web site in which the applet is embedded. And even assuming that the applet of Gennaro et al. is comparable to the first program claimed in the present application (a comparison with which Applicant disagrees), the

applet of Gennaro et al. fails to provide the user with the ability to modify data defining decorative designs, as expressly claimed by this application. The applet merely provides the user with pull-down menus to permit the user to make desired selections, which is not the same function as modifying the selected defining data. Thus, Gennaro et al. also fails to teach downloading a program to the user's computer for modifying data defining decorative designs, as claimed in claims 1, 14, 22 and 23.

Furthermore, there would be no motivation for one of ordinary skill in the art to download a program to the user's computer to perform the modification of the defining data when apprised of the teachings of Rhoads and Gennaro et al., alone or in combination. Both references teach away from the present invention by providing alternate methods of allowing the user to make choices from a web site.

To summarize, Rhoads allows the user to select a card over the Internet on a server of a vendor of such cards. Similarly, Gennaro et al. discloses the execution of an applet in a displayed web site to provide a user with options pertaining to the subject of the web site. Neither reference, alone, or in combination, suggests downloading data defining decorative designs and then modifying the defining data with a downloadable program installed on the user's computer. Accordingly, applicants respectfully submit that neither Rhoads nor Gennaro et al., separately or taken in conjunction, teach, suggest, or otherwise disclose applicants' invention as claimed in claims 1, 14, 22 and 23.

As claims 3-5, 15-19, 24 and 25 depend from claims 1, 14, 22 and 23, respectively, and as applicants believe claims 1, 14, 22 and 23 are now in condition for allowance, it is submitted that claims 1-5, 14-19 and 22-26 are in condition for allowance under 35 U.S.C. §103(a).

CONCLUSION

Due to the absence of disclosure by the cited references of the combination of limitations recited by the present claims, it is respectfully submitted that the claims are patentably distinct over the art of record and in condition for allowance. If the Examiner believes there are any further matters, which need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0959, referencing our Docket No. 109769.0020.

Respectfully submitted,

ROETZEL & ANDRESS

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Date

James C. Scott
Reg. No. 35,351
1375 E. 9th Street
One Cleveland Center, 10th Floor
Cleveland, Ohio 44114
(216) 623-0150 (reception)
(216) 615-4832 (direct)
(216) 623-0134 (facsimile)

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Jennifer C. Saffranek
(Typed or Printed Name of Person Mailing Paper)

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